

JMS:APW/DL/JW
F. #2020R00638

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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1:20-cr-00379(AMD)(RLM)

UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

KIMY GENTIL,
also known as "Ghostz Dagod"
and "Ghost,"
JUSTIN KARGBO,
also known as "Stin,"
MARC PINARD,
also known as "Marc James"
and "T-Mac," and
[REDACTED]
[REDACTED]

Cr. No. 20-379 (S-2) (AMD)
(T. 18, U.S.C., §§ 371, 924(d)(1),
981(a)(1)(C), 982(a)(2), 982(a)(5),
982(b)(1), 1028A(a)(1), 1028A(b),
1028A(c)(4), 1344, 1349, 1951(a),
2119, 2119(1), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

Defendants.

----- X

THE GRAND JURY CHARGES:

COUNT ONE
(Carjacking Conspiracy)

1. On or about June 2, 2020, within the Eastern District of New York and elsewhere, the defendants KIMY GENTIL, also known as "Ghostz Dagod" and "Ghost," JUSTIN KARGBO, also known as "Stin," MARC PINARD, also known as "Marc James" and "T-Mac," and [REDACTED] together with others, with intent to cause death and serious bodily harm, did knowingly and willfully conspire to take a motor vehicle that had been transported, shipped and received in interstate and foreign commerce from the person and presence of another, to wit: John Doe #1, an individual

whose identity is known to the Grand Jury, by force and violence and by intimidation, contrary to Title 18, United States Code, Section 2119.

2. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, GENTIL, KARGBO, PINARD and [REDACTED] together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

(a) On or about June 2, 2020, GENTIL, KARGBO, PINARD and [REDACTED] together with others, walked to the vicinity of 4023 Glenwood Road, Brooklyn, New York.

(b) On or about June 2, 2020, GENTIL, KARGBO, PINARD and [REDACTED] together with others, approached John Doe #1, who was outside of a bodega at 4023 Glenwood Road, Brooklyn, New York.

(c) On or about June 2, 2020, GENTIL, KARGBO, PINARD and [REDACTED] together with others, held John Doe #1 at gunpoint, and removed the keys to his Hyundai Sonata, cell phone and wallet containing credit cards, including a TD Bank credit card.

(d) On or about June 2, 2020, GENTIL, KARGBO, PINARD and [REDACTED] together with others, fled in John Doe #1's Hyundai Sonata.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO
(Bank Fraud Conspiracy)

3. On or about June 2, 2020, within the Eastern District of New York and elsewhere, the defendants KIMY GENTIL, also known as "Ghostz Dagod" and "Ghost,"

JUSTIN KARGBO, also known as “Stin,” MARC PINARD, also known as “Marc James” and “T-Mac,” and [REDACTED] together with others, did knowingly and intentionally conspire to execute a scheme and artifice to defraud TD Bank N.A. (“TD Bank”), a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”), and to obtain moneys, funds, credits, assets and other property under the custody and control of TD Bank, by means of one or more materially false and fraudulent pretenses, representations and promises, contrary to Title 18, United States Code, Section 1344.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT THREE

(Conspiracy to Commit Aggravated Identity Theft)

4. On or about June 2, 2020, within the Eastern District of New York and elsewhere, the defendants KIMY GENTIL, also known as “Ghostz Dagod” and “Ghost,” JUSTIN KARGBO, also known as “Stin,” MARC PINARD, also known as “Marc James” and “T-Mac,” and [REDACTED] together with others, did knowingly and willfully conspire to transfer, possess and use, without lawful authority, one or more means of identification of another person, to wit: John Doe #1, knowing that the means of identification belonged to said person, contrary to Title 18, United States Code, Section 1028A.

5. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, GENTIL, KARGBO, PINARD and [REDACTED] together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

(a) On or about June 2, 2020, GENTIL, KARGBO, PINARD and [REDACTED] together with others, approached John Doe #1, who was outside of a bodega at 4023 Glenwood Road, Brooklyn, New York.

(b) On or about June 2, 2020, GENTIL, KARGBO, PINARD and [REDACTED] together with others, held John Doe #1 at gunpoint, and removed the keys to his Hyundai Sonata, cell phone and wallet containing credit cards, including a TD Bank credit card.

(c) On or about June 2, 2020, GENTIL used the personally identifiable information of John Doe #1 to transfer funds from John Doe #1's TD Bank Account to the GENTIL's Cash App account without the permission of John Doe #1.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FOUR
(Carjacking – John Doe #1)

6. On or about June 2, 2020, within the Eastern District of New York, the defendants KIMY GENTIL, also known as “Ghostz Dagod” and “Ghost,” JUSTIN KARGBO, also known as “Stin,” MARC PINARD, also known as “Marc James” and “T-Mac,” and [REDACTED] together with others, with intent to cause death and serious bodily harm, did knowingly and intentionally take a motor vehicle that had been transported, shipped and received in interstate and foreign commerce from the person and presence of another, to wit: John Doe #1, by force and violence and by intimidation, and attempt to do so.

(Title 18, United States Code, Sections 2119, 2119(1), 2 and 3551 et seq.)

COUNT FIVE
(Bank Fraud)

7. On or about June 2, 2020, within the Eastern District of New York and elsewhere, the defendants KIMY GENTIL, also known as “Ghostz Dagod” and “Ghost,” and JUSTIN KARGBO, also known as “Stin,” MARC PINARD, also known as “Marc James” and “T-Mac,” and [REDACTED] together with others, did knowingly and intentionally execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the FDIC, to wit: TD Bank, and to obtain moneys, funds, credits, assets and other property owned by, and under the custody and control of, TD Bank by means of materially false and fraudulent pretenses, representations and promises, to wit: fraudulently representing that John Doe #1 executed an electronic transfer to an account associated with GENTIL, when in fact GENTIL executed said transfer himself without John Doe #1’s knowledge or consent.

(Title 18, United States Code, Sections 1344, 2 and 3551 et seq.)

COUNT SIX
(Aggravated Identity Theft)

8. On or about June 2, 2020, within the Eastern District of New York and elsewhere, the defendants KIMY GENTIL, also known “Ghostz Dagod” and “Ghost,” JUSTIN KARGBO, also known as “Stin,” MARC PINARD, also known as “Marc James” and “T-Mac,” and [REDACTED] together with others, during and in relation to the crime charged in Count Five, did knowingly and intentionally transfer,

possess and use, without lawful authority, a means of identification of another person, to wit: John Doe #1, knowing that the means of identification belonged to another person.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 2 and 3551 et seq.)

COUNT SEVEN
(Carjacking – John Doe #2)

9. On or about June 10, 2020, within the Eastern District of New York, the defendants KIMY GENTIL, also known as “Ghostz Dagod” and “Ghost,” and MARC PINARD, also known as “Marc James” and “T-Mac,” together with others, with intent to cause death and serious bodily harm, did knowingly and intentionally take a motor vehicle that had been transported, shipped and received in interstate and foreign commerce from the person and presence of another, to wit: John Doe #2, an individual whose identity is known to the Grand Jury, by force and violence and by intimidation, and attempt to do so.

(Title 18, United States Code, Sections 2119, 2119(1), 2 and 3551 et seq.)

COUNT EIGHT
(Hobbs Act Robbery – John Doe #2)

10. On or about June 10, 2020, within the Eastern District of New York, the defendants KIMY GENTIL, also known as “Ghostz Dagod” and “Ghost,” and MARC PINARD, also known as “Marc James” and “T-Mac,” together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by the robbery, to wit: the robbery of a livery cab from John Doe #2 in the vicinity of 1037 East 43rd Street in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE, FOUR AND SEVEN

11. The United States hereby gives notice to the defendants charged in Counts One, Four and Seven that, upon their conviction of such offenses, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 982(a)(5), which requires any person convicted of such offenses to forfeit any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as result of such offenses; and (b) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any violation of any criminal law of the United States.

12. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 924(d)(1), 982(a)(5) and 982(b)(1);
Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS TWO AND FIVE

13. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged in Counts Two and Five, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

14. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT EIGHT

15. The United States hereby gives notice to the defendants charged in Count Eight that, upon their conviction of such offense, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offense to forfeit any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as a result of such offense; and (b) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any violation of any other criminal law of the United States.

16. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

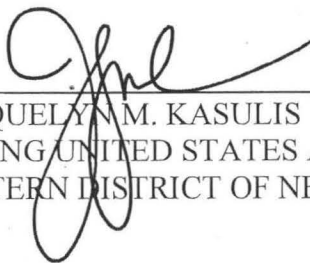
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 924(d)(1) and 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON


JACQUELYN M. KASULIS
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F.#: 2020R00638
FORM DBD-34
JUN, 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

KIMY GENTIL, *et al.*,

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 371, 924(d)(1), 981(a)(1)(C), 982(a)(5), 982(b)(1)
1028A(a)(1), 1028A(b), 1028A(c)(4), 1344, 1349, 1951(a), 2119,
2119(1), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Andrew P. Wenzel, Assistant U.S. Attorney 718-887-1294